

APPROVED: Meeting No. 41-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 39-87

October 12, 1987

The Mayor and Council of Rockville, Maryland convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, on Monday, October 12, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Helen M. Heneghan, City Attorney Paul Glasgow.

Re: Invocation

The invocation was given by Rabbi Leonard Cahan of Har Shalom Congregation.

Re: City Manager's Report

City Manager Robinson reported the following:

1. The staff attended the Fortune Parc hearings. On October 7, 1987, the applicant ended his presentation. The meetings will reconvene for additional hearings on October 19th.

2. Montgomery County Historical Society has invited members of the staff to a tour of the Beall-Dawson House on October 22, 1987. This is an opportunity for the two staff's to get together and get acquainted.

3. Rockville's Channel 53/88 has devised a very ambitious program schedule for every night and weekday mornings. A list will be provided in Rockville Reports of the various presentations.

4. A staff program has been prepared on gypsy moths. It will be used on the City Parks, forestlands and street trees, and a plan is currently being devised to help the private property owners. At the same time, the staff is looking into a program for tent caterpillar.

5. The IBM mainframe was installed today, and is on-line and debugged. The final aspects of the software will be available in November or December.

6. The 1987 Park and Playground Report for September is available. It was a great season with a fantastic playground session. There were 26,300 participants with maximum attendance in all camps.

Councilman Duncan asked if the County has decided on a closing date for the Fortune Park hearings. The City Manager said the date is not available at the present time, but that when the hearings resume, the Director of Planning and representatives of JHK and Associates will be testifying.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. He commended the Rockville Chamber of Commerce for its selection of Anthony Bullard as citizen of the year.

2. The Rockville Pike presentation by the City staff was excellent.

3. The 30th anniversary of the Civic Center Mansion will be celebrated on Saturday, October 17, 1987, from Noon to 3:00 p.m. At the same time, the Antique and Classic Car Show will be held on the grounds of the Civic Center.

4. Rockville Housing Authority has been provided with the funding for 25 additional units of scattered site housing. Much credit is due to the Authority for the realization of this effort.

5. There are candidate forums going on throughout the City. During this pre-election period, the citizens should plan to attend one or more and become informed before voting.

Re: Council's Report

1. Councilman Coyle reported that the Volks March, held by the Rockville-Pinneberg Sister City Corporation went on as planned even though it rained. It was very successful and enjoyable.

2. Councilman Duncan thanked and congratulated the citizens and the staff who worked on the October 5th presentation of the Pike Plan. He particularly thanked Rick Kuckkahn, Director of Planning and Bob Spalding and noted that the citizens should have a better understanding after the presentation.

Re: Introduction of Sister City  
Visitors and Proclamation:  
To celebrate 30th  
Anniversary of Sister City

Proclamation No. 20-87

There being no objection from the Council, Mayor Van Grack proceeded to issue Proclamation No. 20-87, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council, proclaiming October as Rockville-Pinneberg Sister City Month. The Mayor read the proclamation and introduced the visitors from Pinneberg who have been visiting in the City since last Wednesday. Herr Jan Neverman thanked the Mayor on behalf of the entire delegation.

Re: Presentation: Homeless  
Shelter Operations Manual

Mayor Van Grack presented the Procedures Manual, which is a document prepared by staff in the Community Services Department and Graphics Division. It is a gift from the Mayor and Council to the Community Ministries of Rockville and lists comprehensive procedures to guide the daily activities and help shelter staff respond appropriately to difficult situations. Adrienne Carr, Executive Director

of the Chase Partner Shelter and Associate Director of Community Ministries, accepted the manual and brochures on behalf of the group.

Re: Proclamation: Business and  
Professional Women's Week  
October 18-24, 1987

Proclamation No. 21-87

There being no objection from the Council, Mayor Van Grack proceeded to issue Proclamation No. 21-87, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council, proclaiming October 18-24, 1987 as Business and Professional Women's Week in Rockville. Councilman Abrams read the proclamation at the request of the Mayor, in which it was urged that all Rockville citizens join in this salute to working women. Helen Dodson, Millie Grasser and Eleanor Walker accepted the proclamation on behalf of the Professional Business Women's Club.

Re: Recognition of American  
Legion Championship Baseball  
Team

Mr. Pete White, coach of the American Legion Post #86 Baseball Team, which won the Montgomery County Baseball championship, introduced the players on the team who received certificates of recognition from the Mayor and Council. The players are:

Creighton Armstrong, Craig Beck, Andy Bourdon, Jim Brinkman, Brian Gerard, Keith Gordon, Derek Hacopian, Ed Henry, Jeff Kaelin, Jim Marks, Kirk Martin, Dave Mininberg, Mark Moreno, Darryl Ricketts, Tim Shockley, Cliff Smith, Gene Thomas, and Steve Yoo.

Re: Citizens Forum

The Mayor opened the meeting to those citizens wishing to address the Mayor and Council.

1. Michael Gewirtz, 1520 Columbia Avenue, thanked the members of the City staff, Ed Duffy and Doug Horne of Community Development and Mr. Luiz Cavarow of the Eisinger-Kilbane Corporation, for bringing about the monthly ticket plan available to users of the Rockville Metro lot.

2. William Kominers addressed the Council on behalf of his client, Tower-Dawson Limited, and referred to item number 13 on the agenda, to adopt the resolution which has been drafted following instructions from the Mayor and Council at their February work session after a seven year exhaustive process. Mr. Kominers requested that the Mayor and Council vote favorably on the resolution.

3. Richard Resnick, President of the North Farm Citizens Association, welcomed the Sister City visitors from Pinneberg and asked the Council to adopt the resolution approving the Comprehensive Plan Development Application CPD-1-85.

Re: Approval of the Maryland  
State Police Agreement

Recodification of Police Department Agreements with other agencies requires the City to re-establish one with the Maryland State Police. It provides Maryland State Troopers with concurrent jurisdiction within the City for the purposes shown. It also gives City Police access to helicopter support for search or evacuation of injured persons, to laboratory and forensic services and to joint City-State details when City and County manpower is short.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the agreement with the Maryland State Police was approved.

Re: Preliminary Review and  
Referral of Text Amendment  
Application to establish  
separate parking  
requirements for  
supermarkets.

The subject Text Amendment Application has been prepared and filed on behalf of the Mayor and Council for the purpose of establishing a separate parking requirement for "supermarkets".

The Mayor noted that although this is specifically for the Safeway Twinbrook, it will be an opportunity to look at all supermarket parking configurations. In answer to the Mayor's question, he was told, once the process begins, the time frame could be 60 to 90 days.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Text Amendment T-85-87 was referred to the Planning Commission for further review.

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff was instructed to file a map amendment to accompany the text amendment.

Re: Public Hearing:  
To establish permit parking  
district on Barrington Fare-  
Eton Overlook and a small  
portion of Hurley Avenue

The Mayor and Council conducted a public hearing on a request to establish a permit parking district on Barrington Fare-Eton Overlook and a small portion of Hurley Avenue, and heard those persons as can be found in the official stenographic transcript on the hearing. There being no other persons wishing to be heard, the Mayor declared the hearing closed.

On motion of Councilman Duncan, duly seconded and unanimously passed, the staff was instructed to proceed with the plan and draft the necessary legislation to accomodate it. Mayor Van Grack asked that a letter be sent to Dr. Coles that is strong and forceful advising him as to the stories that were told at the hearing by the neighbors of Wootton High School. At the same time, the Mayor asked that the Police step up their patrols in this area.

Re: Proclamation: To Honor  
Rockville Concert Band

Proclamation No. 22-87

There being no objection from the Council, Mayor Van Grack proceeded to issue Proclamation No. 22-87, the full text of which can be found in Proclamation File

No. 2 of the Mayor and Council, honoring the Rockville Concert Band and urging all citizens to take an opportunity to hear their fine music.

Councilman Duncan read the proclamation at the request of the Mayor. Dr. Robert Tennyson accepted on behalf of the Rockville Concert Band. He was thanked for the outstanding concert played for the Pinneberg visitors on the previous evening.

Re: Adoption of Resolution: To Amend Section 4 of Article VIII of the Charter of the City of Rockville, to add a new section 5 to Article VIII and to renumber Sections 5, 6, 7 and 8 of Article VIII so as to provide that the Mayor and Council may provide by ordinance for appointments and promotions in the classified civil service on the basis of merit and fitness; to provide for a civil service which will consist of both a merit system and a non-merit system and provide a mechanism whereby the following offices and positions may be placed in the non-merit service by resolution of the Mayor and Council: 1) Heads of all departments; 2) The Assistant to the City Manager; 3) The Administrative Assistant to the City Manager; 4) Deputy Police Chief; 5) Senior Budget Analyst; 6) All members of Information Systems Division; 7) Golf Course Superintendent; 8) Assistant Golf Course Superintendent; 9) Assistant Director of Finance; 10) Administrative Assistant to the Superintendent of Recreation and Parks; 11) Landscape Architect; 12) Aquatic Facility Manager (evening and weekend); 13) Public Information Officer; and 14) part-time temporary and unpaid offices and positions and to provide that all other employees are part of the merit service except those positions appointed by the Mayor and Council.

Resolution No. 23-87

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 23-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, was adopted by the Mayor and Council.

Councilman Coyle noted that these positions can go back to the merit system when vacated.

Re: Adoption of Ordinance: To Amend Chapter 3 of the "Laws of Rockville", entitled "Personnel Regulations", to provide for the creation of both a merit and non-merit civil service system.

Ordinance No. 21-87

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 21-87 was amended to include the effective date.

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 21-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, providing for the creation of both the merit and non-merit civil service system, was adopted as amended by the Mayor and Council.

Re: Adoption of Resolution: To establish certain Civil Service positions as non-merit positions.

Resolution No. 24-87

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 24-87 was amended to include an effective date.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 24-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, to establish certain Civil Service positions as non-merit positions, was adopted as amended by the Mayor and Council.

Re: Discussion and instructions to staff re: drafting of a Rent Control Ordinance

The Mayor and Council discussed the meeting that was held with the representatives of the Montgomery County Board of Realtors and Councilmembers Abrams, Coyle and Duncan. It was noted that individual members of the Council have met with Pollinger representatives. It is the consensus of the Council that an ordinance may not be necessary at this time, and the preliminary discussions may lead to a system that is appropriate for Rockville. It is important to assist targeted constituencies, since the Rockville problems are not created by landlords



or government, but are creatures of a prosperous community. The Council agreed that the voluntary guidelines need a longer time in effect to truly test their worthiness. A meeting will be held by City staff with representatives of the Landlord this week. In the meantime, the Mayor requested that the item be continued on the Mayor and Council's agenda, until such time as it is resolved. The Mayor also requested a memo from staff on the meeting they will be holding with landlords.

Re: Adoption of Resolution To  
Approve Comprehensive  
Planned Development  
Application CPD-1-85,  
Westmont Associates and  
Tower/Dawson Limited,  
Partnership

Resolution No. 25-87

The Council discussed the resolution at length, noting that changes had occurred in the plan since it was originally brought before the public. Councilman Hartogensis noted that the Westmont Plan began as he came on the Council and has spanned his career. Many compromises were worked out and he feels this evening a fine product has been produced by the City's process. Councilman Duncan agreed and said he is supporting the resolution, since it conforms with the Master Plan amendment. Councilman Coyle noted his concern that there be no additional traffic congestion and he still noted that there is a change from 2.1 million square feet to 2.5 million square feet. Councilman Coyle also noted that he would have favored a much larger residential component. Councilman Abrams noted that he is on record as having no difficulty with the concept, and approved of the process and takes pride in the product. Mayor Van Grack noted that it is apparent that all four members of Council support this. He stated his concern as a citizen and Mayor as to the heights and the magnitude, etc., but said he fully understands what is being voted on is a concept that was approved by a previous Mayor and Council.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 25-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, approving Comprehensive Planned Development Application CPD-1-85, was adopted by the Mayor and Council.

Re: Approval of Minutes

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Minutes 38-87, September 28, 1987, were approved as modified.

On motion of Councilman Duncan, duly seconded and unanimously passed, Minutes 13-87, March 16, 1987, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Minutes 14-87, March 23, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, Minutes 15-87, March 30, 1987, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Minutes 16-87, April 6, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, Minutes 17-87, April 15, 1987, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, Minutes 18-87, April 20, 1987, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, Minutes 19-87, April 27, 1987, were approved as written.

Re: New Business

1. Councilman Coyle asked that the staff work with the Rockville Housing Authority to get information to the public in a positive form on the scattered site housing program.

2. Councilman Coyle asked that the staff return with additional information on the use of the Middle Lane Parking Lot and the longevity of the parking passes.

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 11:30 p.m. to convene again in work session on October 19, 1987 at 7:00 p.m. or at the call of the Mayor.